FEB 1 8 2005

DAGW

520.33330CC3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

M. TSUCHIDA, et al

Serial No.:

09/665,448

Filed:

September 19, 2000

For:

METHOD AND SYSTEM OF DATABASE DIVISIONAL MANAGEMENT FOR PARALLEL DATABASE SYSTEM

PETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT UNDER 37 CFR §1.131

**MS Petition** 

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 February 18, 2005

Sir:

Applicants hereby petition to invoke the supervisory authority of the Director in accordance with 37 CFR §1.181 so as to withdraw the erroneous holding of abandonment of the present application.

#### **FACTS**

Applicants' Attorney, the undersigned recently learned that the abovereferenced application was in an abandoned status for allegedly not responding to
an Office Action issued on January 25, 2002. Upon learning that the abovereferenced application was in the abandoned status, the undersigned obtained
copies of the filing receipt, January 25, 2002 Office Action and September 24, 2002
Notice of Abandonment from the United States Patent and Trademark Office

records, said copies being attached herewith, so as to inspect them to determine the reason why the undersigned had not received the January 25, 2002 Office Action.

Upon inspecting each of the above described documents it was learned that such documents were erroneously mailed to an incorrect correspondence address rather than the address of the undersigned used during the time of mailing the documents. The undersigned submit that no correspondence should have gone to the incorrect address since the correct correspondence address was clearly identified in the Utility Patent Transmittal, a copy of which is attached, as Customer Number 020457. The Correspondence Address for Customer Number 020457 does not correspond, nor is it anyway related, to the address shown on each of the above described documents.

#### **POINTS TO BE REVIEWED**

As is quite clear from the above, the United States Patent and Trademark

Office incorrectly mailed each of the above described documents to the wrong

Correspondence Address. By mailing the above described documents to the wrong

Correspondence Address, Applicants were not aware of the need to respond to the

January 25, 2002 Office Action. Thus, Applicants alleged failure to timely file a

proper reply to the January 25, 2002 Office Action did not result from any action or

inaction by Applicants. Applicants alleged failure was a direct result of the erroneous

mailing by the United States Patent and Trademark Office.

**ACTION REQUESTED** 

Based on the above, Applicants respectfully request that the erroneous

holding of abandonment mailed on September 24, 2002 be withdrawn and that the

January 25, 2002 Office Action be reissued with a period for respond to begin from

the date of mailing of the reissued Office Action.

Applicants are also submitting herewith a Change of Correspondence

Address for the undersigned Attorney. Thus, all future correspondence should be

sent to the new address as per the attached Change of Correspondence Address.

To the extent necessary, the applicants petition for an extension of time under

37 CFR 1.136. Please charge any shortage in fees due in connection with the filing

of this paper, including extension of time fees, or credit any overpayment of fees, to

the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.,

Deposit Account No. 50-1417 (520.33330CC3).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Carl I. Brundidge

Registration No. 29,621

CIB/jdc

(703) 684-1120

3

PTO/SB/122 (09-04)

Approved for use through 07/31/2006. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# CHANGE OF RADE OF RESPONDENCE ADDRESS Application

Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Application Number	09/665,448
Filing Date	September 19, 2000
First Named Inventor	M. TSUCHIDA, et al
Art Unit  Examiner Name  Attorney Docket Number	520.33330CG3

Please change the Correspondence Address	for the above-ic	dentified	l patent applicati	on to:	
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	GLY, STAN	GER,	MALUR & E	BRUNDIDGE, P.C.	
Address 1800 Diagonal Road, Su	ıite 370				
, City Alexandria	State Virg	inia		Zip <b>22314</b>	
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I am the:					
Applicant/Inventor					
Assignee of record of the entire interest. Statement under 37 CFR 3.73(b) is enclo		SB/96).			
Attorney or agent of record. Registration	n Number <b>29,6</b> 2	<u>21</u> .			
Registered practitioner named in the app See 37 CFR 1.33(a)(1). Registration Nu			an application wit	hout an executed oath or deck	aration.
Signature					
Typed or Printed					
Name Carl I. Brundidge					
Date February 18, 2005		Telepho		84-1120	
NOTE: Signatures of all the inventors or assignee of reforms if more than one signature is required, see below	ecord of the entire w*.	interest			ultiple
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*Total of form are submitted.	·				

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

#### UTILITY PATENT APPLICATION **TRANSMITTAL**

Attorney Docket No. 520.33330CC3 First Inventor or Application Identifier Masashi TSUCHIDA

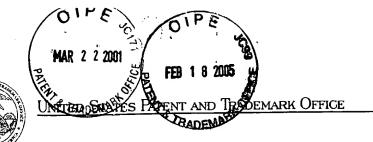
See 1 in Addendum

(Onl	ly for new I	nonprovisi	onal applications u	nder 37 C.F.R	r. § 1.53(b)) Expi	ress M	ail Label	No.			
Sec	•		ATION ELEME		tion contents.		ADDR	ESS TO	O: Box !	Patent A	mmissioner for Patents Application DC 20231
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<u>For</u>	16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:  \[ \begin{array}{cccccccccccccccccccccccccccccccccccc										
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	Name (F	Print/Type)	Carl I. Brune	didge			Registra	ation No. (	'Attorney/Ag	ent)	29,621
	Signature	9		$\overline{}$			-			Date	9/19/2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

# Attachment to PTO/SB/05 (4/98) Utility Patent Application Transmittal

1. METHOD AND SYSTEM OF DATABASE DIVISIONAL MANAGEMENT FOR PARALLEL DATABASE SYSTEM



Page 1 of 3
Reciept

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023I
www.uspto.gov

 APPLICATION NUMBER
 FILING DATE
 GRP ART UNIT
 FIL FEE REC'D
 ATTY.DOCKET.NO
 DRAWINGS
 TOT CLAIMS
 IND CLAIMS

 09/665,448
 09/19/2000
 2171
 690
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02047 ANTHONY M. LORUSSO LORUSSO & LOUD 440 COMMERCIAL ST., BOSTON, MA 02109 FILING RECEIPT

\*OC000000005532147\*

Date Mailed: 11/06/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Masashi Tsuchida, Sagamihara-shi, JAPAN; Kazuo Masai, Yokohama-shi, JAPAN; RECEIVED

Continuing Data as Claimed by Applicant

Technology Center 2100

**Foreign Applications** 

JAPAN 5-286549 11/16/1993

If Required, Foreign Filing License Granted 11/03/2000

Title

Method and system of database divisional management for parallel database system

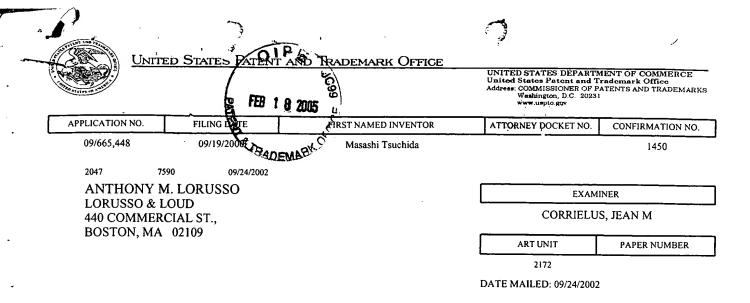
**Preliminary Class** 

707

Data entry by : RORIE, DEANNA

Team: OIPE

Date: 11/06/2000



Please find below and/or attached an Office communication concerning this application or proceeding.

yn

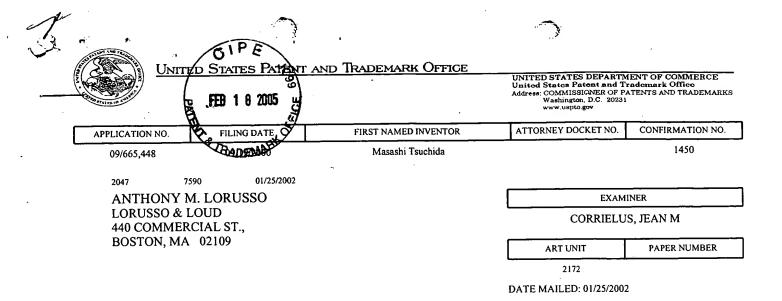
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1	The MAILING DATE of this	communication a	appea	nrs on the cover sheet with the co	orrespondence ad	dress
This ar	oplication is abandoned in view of:					
(4)	pplicant's failure to timely file a prop A reply was received on (v period for reply (including a total o	vith a Certificate o extension of time	of Mai of	ling or Transmission dated)		
(b) [	A proposed reply was received o	n, but it do	es no	t constitute a proper reply under 37	CER 1 113 /a) to t	he final rejection
	application in condition for allowar Continued Examination (RCE) in	13 to a final rejec nce; (2) a timely fi compliance with 3	tion c iled N 37 CF	onsists only of: (1) a timely filed am otice of Appeal (with appeal fee); o R 1.114).	endment which pla r (3) a timely filed F	ices the Request for
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	The issue fee required by 37 CF	R 1.18 is \$	The	publication fee, if required by 37 C	FD 4 404 0 1 2	
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(b) 🗌	No corrected drawings have been	received.				
4. ☐ The the	eletter of express abandonment what applicants.	ich is signed by tl	he atte	orney or agent of record, the assign	nee of the entire int	erest, or all of
5. 🔲 The 1.34	e letter of express abandonment wh 4(a)) upon the filing of a continuing	ich is signed by a application.	ın atto	orney or agent (acting in a represen	tative capacity und	er 37 CFR
6. 🔲 The of th	decision by the Board of Patent Ap ne decision has expired and there a	ppeals and Interfe re no allowed cla	rence ims.	rendered on and because t	he period for seeki	ng court review
7. 🗌 The	reason(s) below:					
				•		

Jean M Corrielus Primary Examiner Art Unit: 2172

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to U.S. Patent and Trademark Office
PTO-1432 (Rev. 04-01)

Notice of Abandonment

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Dispositi	on of Claims							
4) 🖾	Claim(s) <u>40-90</u> is/ar	e pending in the	application	n.		•		
	4a) Of the above clai	m(s) is/a	re withdraw	n from cor	sider	ation.		
5)	Claim(s) <u>53-58,6<b>3-</b>68</u>	3,73-79 and 84-	<u>90</u> is/are all	lowed.				
6)	Claim(s) <u>40,44,48,50</u>	), <u>52, 59-62, 69-7</u> ;	2 and 80-83	<u>3</u> is/are reje	ected.			
7)	Claim(s) <u>41-43,45-47</u>	7 <u>,49 and 51</u> is/a	re objected	to.				
8)	Claim(s) are s	subject to restric	tion and/or	election re	quire	ment.		
Application	on Papers							
9) 🗌 T	he specification is of	jected to by the	Examiner.					
10) 🔲 T	he drawing(s) filed o	n is/are:	a) accept	ted or b)	object	ed to by the Exami	ner.	
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11) 🔲 T	he proposed drawing							er.
	If approved, corrected							
12)[] T	he oath or declaratio	n is objected to	by the Exa	miner.				
Priority u	nder 35 U.S.C. §§ 1 <sup>,</sup>	19 and 120						
13)🛛 🗸	Acknowledgment is r	nade of a claim	for foreign	priority und	ier 35	U.S.C. § 119(a)-(	(d) or (f).	
a)[∑	∄All b)☐ Some * d	c) None of:						
•	1. Certified copie	s of the priority	documents	have beer	rece	ived.		
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) Notice	of References Cited (PTC of Draftsperson's Patent ( ation Disclosure Statemer	Drawing Review (P1	ГО-948) per No(s)		4)   5)   6)	Interview Summary (P Notice of Informal Pat Other:	PTO-413) Paper Notent Application (PT	(s) O-152)
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Application Serial Number: (19/-165,448:

7033065509

Art Unit: 2172



Page 2

### **DETAILED ACTION**

This first office action is in esponse to the preliminary amendment filed on 09/19/00 and 1. 12/18/00 (paper no.2 and 4 respectively) in which claims 1-39 were canceled and claims 40-90 added.

# Inform ation Disclosure Statement

2. The information disc osure statement filed on September 19, 2000 (paper no.3) complies with the provisions of M.F.P., § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

#### Drawings

3. Applicants are require I to furnish the formal drawings in response this office action. No new matter may be increde ced in the required drawing. Failure to timely submit a drawing will result in ABANDONM. INT of the application. (See attachment for PTO-948).

# Clain R ∋jections - 35 U.S.C. § 102

The following is a quoration of the appropriate paragraphs of 35 U.S.C. 102 that 4. form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a pater t unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention till ereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereo. By the applicant for patent.

Application Serial Number: ()9/365,448:

Art Unit: 2172

Page 3

Claims 40, 44, 43, 10, 52, 59-62, 69-72 and 80-83 are rejected under 35 5, U.S.C. 102(e) as being anticipated by Fujiwara et al US Patent No. 5,515,531.

The claims are rejected on the basis of the correspondence between the teachings of Fujiwara et al (Fujiwara) and the elements of the claims as follows: As to claims 40, 44, 48, 50, 52, 19-62, 69-72 and 80-83:

Fujiwara disclose the following:

defining a correspondence between a plurality of key ranges and a plurality of data storage areas in a storage c evice (col.6, lines 35-67);

storing data in a data storage area which corresponds to a key range containing said data, when storing said clata in a database (col.7, lines 10-67);

dividing said key range coll taining said data into a plurality of divided key ranges, when it is necessary to divide said key range containing said data (col.7, lines 49-55); and

defining a correspondence between the divided key ranges and said plurality of data storage areas (col.11, lines 3 55).

## ि।।।c wable Subject Matter

Claims 41-43, 45-47, 4 and 51 are objected to as being dependent upon a б. rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any ir tervening claims.

Application Serial Number: ()9/365,448:

Art Unit: 2172

Page 4

7. Claims 53-58, 66-6, 73-79 and 84-90 are allowed over the prior art made of record.

#### Conclusion

8. The prior art made o record and not relied upon is considered pertinent to applicant's disclosure. (See PT()-943).

Any inquiry concerning this communication or early communication from the Examiner should directed to Jea M. Corrielus whose telephone number is (703) 306-3035. The Examiner can nonrall be reached on Tuesday-Friday from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on Monday-Friday from 9:00 a.m.-6:00 p.m. at (703)305-4393.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, E.C. 20231

or faxed to: (703) 308-305 , (for formal communications intended for entry)

Or: (703)305-9731 (for rife πal or draft communications, please label "PROPOSED" or

Application Serial Number: 139, 365,448;

Art Unit: 2172

09/22/04

Page 5

"DRAFT") Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Application/Control Number: 0 1/677,134

Art Unit: 2172

Page 2

Any inquiry of a gen ∋ral nature or relating to the status of this application should be directed to the group recept onist whose telephone number is (703) 305-9600.

Jean M. Corrielus

Patent Examiner

January 23, 2002

No	tice	of	Reference	es Citeri
1 V C J	/////.te	c)	Referenc	es uneo

Application/Control No. 09/665,448

Applicant(s)/Patent Under Reexamination TSUCHIDA ET AL.

Examiner

Jean M Corrie

Art Unit 2172

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
4	Α	US-5,515,531	05-1996	Fujiwara et al.	707/3
	В	US-6,101,495	08-2000	Tsuchida et al.	707/10
	С	US-5,813,005	09-1998	Tsuchida et al.	707/10
	D	US-			
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#### FOREIGN PATENT DOCUMENTS

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#### **NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 5